

REMARKS / ARGUMENTS

In response to the Office action dated August 11, 2004, Applicants respectfully request the Office to enter the above amendments and consider the following remarks. By this response, claims 1, 6-9, 12-17 and 19-20 have been canceled without prejudice or disclaimer, claims 2-5, 10-11 and 18 have been amended, and new claims 21-38 have been added. After entry of this paper, claims 2-5, 10-11, 18 and 21-38 will be pending. In addition, previously withdrawn claims 12-16, drawn to the nonelected invention, are hereby canceled without prejudice or disclaimer as required for issuance of the allowed subject matter.

In the Office Action, the Examiner: (i) rejected claims 6-11 and 17-20 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; (ii) rejected claim 11 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the invention; (iii) rejected claims 1, 2, 5-11, 17, 19 and 20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,023,685 to Brett et al. ("Brett"); and (iv) rejected claim 4 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Brett further in view of U.S. Patent No. 6,026,383 to Ausubel ("Ausubel").

As explained in more detail below, claim 3 was rewritten in independent form, and each of claims 2-5, 10-11, 18 and 21-38 were amended or added to depend directly or indirectly from allowed claim 3. Support for these claims is found in the specification, for instance at page 5, lines 21-27, page 5, line 29 - page 6, line 1, page 8, lines 25-30,

page 9, lines 12-14, page 10, lines 6-22, and elsewhere. Accordingly, no new matter has been added.

Applicants respectfully request reconsideration of the above rejections for the reasons set forth below.

Rejection of Claims 6-11 and 17-20 under 35 U.S.C. § 101

Claims 6-11 and 17-20 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Examiner asserted that “[a]lthough the recited process produces a useful, concrete, and tangible result ... claims 6-11 and 17-20 are deemed to be directed to non-statutory subject matter.” Applicants respectively disagree, and traverse for the following reasons.

With the cancellation of claims 6-19, 17 and 19-20, as well as the amendment of claims 10-11 and 18, this rejection under 35 U.S.C. § 101 has been overcome. Therefore, Applicants respectfully request the withdrawal of this rejection.

Rejection of Claim 11 under 35 U.S.C. § 112, second paragraph

Claim 11 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the invention

Without acquiescence as to the correctness of this rejection, Applicants have amended claim 11 to depend from claim 3 rather than claim 6. Thus the term, “the threshold,” has proper antecedent basis. In light of this change, Applicants respectfully submit that the instant rejection has been overcome.

Rejection of Claims 1, 2, 4, 5-11, 17, 19 and 20 under 35 U.S.C. § 103(a)

Claims 1, 2, 5-11, 17, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Brett. Applicants respectfully traverse, and submit the pending claims are all allowable for the following reasons.

Regarding claim 3, the Office has indicated that it would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have, accordingly, rewritten claim 3.

Claims 1, 6-9, 17 and 19-20 have been canceled without prejudice or disclaimer. Claims 2, 4-5, 10-11 and 18 have been amended to directly or indirectly depend from claim 3, which is now in allowable form. New claims 21-38 likewise depend from claim 3. Applicants therefore request that the rejections under 35 U.S.C. § 103(a) in view of Brett be withdrawn, and the claims allowed.

Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Brett et al, as applied to claim 1, and further in view of Ausubel. Because claim 4 has been amended to depend from allowable claim 3, Applicant submit that this rejection is moot and should also be withdrawn.

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Conclusion

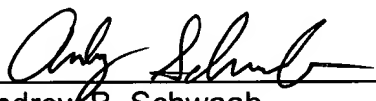
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Andrew B. Schwaab
Reg. No. 38,611

Finnegan Henderson Farabow
Garrett & Dunner LLP
901 New York Avenue, NW
Washington, D.C. 20001-4413
(202) 408-4000